

**Remarks of Justice Carlos R. Moreno**  
**Child Welfare Council Meeting**  
**Sacramento, California**  
**March 18, 2008**

**A. Welcome**

I'd like to welcome all of our Council members, staff and interested guests to the second meeting of the California Child Welfare Council. We have a busy day ahead and I appreciate your ongoing dedication to the Council's important work.

As I noted at our initial meeting a few months ago, this collaborative leadership group marks a historic moment in our state. The Child Welfare Council is premised on the need to bring all arms and all branches of our state leadership together to break down barriers and work collaboratively in enhancing services for California's struggling families and the staggering number of children who are part of our foster care system. These children continue to pay far too high a price for our systemic failures and our fragmented way of doing business. We can and we must do better.

**B. The Framework for the Council's Next Two Meetings**

At our first meeting, we had an opportunity to hear from all of you regarding challenges and concerns you believe to be most pressing. Today we will continue that dialogue.

As we begin our discussion of those important issues, remember that this Council has an unprecedented opportunity to make a real difference in the lives of our state's most vulnerable children. And an improved future for those children *depends* on our engagement and on our success.

**C. Blue Ribbon Commission Update**

The work of this Council will be enlightened by the tremendous efforts over the past two years of the Blue Ribbon Commission on Children in Foster Care, an interdisciplinary body of experts that many of our Council members also serve on and that I have had the privilege to Chair. The commission's draft recommendations were just released last Friday, so you are among the first to hear about them.

The chief justice and our Judicial Council created this statewide Blue Ribbon Commission in 2006 to help the courts better serve children and families in the foster care system. We met over the span of two years, listening and learning from those who work in the system and those whose lives are most affected by it. We found an overstressed and under-resourced system that struggles to support nearly 80,000 children in foster care in the state.

Here are just a few of the facts that we learned:

- There are fewer than 150 full- and part-time judicial officers who preside over the state's entire dependency court system. And I remind you that every child who enters or leaves foster care must come before a dependency court. Our full-time judicial officers carry an

average caseload of 1,000. Such caseloads have a direct impact on the level of time and attention any one case can receive.

- Hearings average only 10-15 minutes, far less than the recommended 30 – 60 minutes. Judges rarely have the time to get a full picture of the needs, hopes, and concerns of a child and his or her family.
- The average caseload for attorneys who represent children and parents in court is 273, and in some counties this rises to 500 – 600. Children and parents sometimes do not even meet their attorneys until the day of their hearings, which affects their right to speak in court and their understanding of the decisions made there. (As one of our fellow commissioners—Appellate Justice Richard Huffman—commented, this would be considered “malpractice in any other area of the law.”)

This system of overcrowded dockets, continuances and delays is clearly not the picture we want for our most vulnerable children and families. We are not routinely meeting our legally mandated state or federal guidelines for timeliness of hearings.

The Blue Ribbon Commission believes that we can turn the corner. Our recommendations fall into four categories:

1. **Prevention and Permanency, so we can help keep families together whenever it is safe and possible to do so** and provide timely reunification or placement in another permanent home if removal is necessary. This means increasing efforts to find relatives and family members and addressing the thorny problem of the disproportionate numbers of African-American and Native American children in foster care.
2. **Court Reform—the heart and soul of our recommendations—to change the way we do business.** We advocate for reasonable caseloads for judges, court attorneys and social workers. We want to ensure that children and parents have a voice in court and that CASA programs are available in all counties. We want court performance measures to help us meet our mandated timelines for hearings and to secure due process for all who come before our bench. We also want to raise the status of the field of juvenile law in general, to add a juvenile law question to the state bar exam, and to forgive student loans for lawyers who choose this as a career.
3. **Better collaboration between the courts and our partners about the families and children we jointly serve.** We must eliminate the barriers to sharing data and information that too often mean families receive different, even conflicting, direction and case plans. Because change happens at the local level, we need local commissions, that—like the Blue Ribbon Commission—include the courts, child welfare, community groups and advocates, and foster youth and families. These commissions will make sure the recommendations, once they are finalized, are implemented.
4. **Finally, we must address the funding issue.** The commission recognizes the fiscal realities in our state. Not all of our recommendations require new funding. But we believe

no child or family should be denied critical services because of funding restraints. Thus we call on the courts and child welfare to prioritize children in foster care and their families when providing services and allocating resources. We urge removal of state and federal barriers that prevent various agencies from pooling and coordinating funds for important services. And we call on the federal government to allow us to use federal foster care funds—currently restricted for use *after* removal—for prevention services.

As you can see, we are calling for a fundamental transformation of our dependency court system and how we work with our partners.

In total, our draft recommendations represent a major step forward for child welfare reform in California, focusing on the role of the courts and what we can – and must — do to improve foster care outcomes. With this commission, the courts are accepting their leadership role in child welfare reform.

The public comment period on our draft recommendations extends until May 13. We invite you to circulate our draft recommendations and to join the dialogue for change. The full text of our recommendations and public comment form can be found on the commission’s website, noted in the information package you received and referenced on our Child Welfare Council website. We intend to take full advantage of the Commission’s analysis as this Council begins its work.

#### **D. Charting the Council’s Future Work**

With the work of the Blue Ribbon Commission and with other exciting efforts underway, we have reached an opportune moment in time. We are standing on the shoulders of a strong movement for reform that includes the federal government and our state legislature and executive branch. This Council, as a first-ever high-level leadership body assembled to enhance outcomes for children in our child welfare system, can build on this growing momentum.

Sharing information, finding strategies to reduce the need for foster care placements or length of time spent out of the home, addressing the disproportionate representation of African American and Native American children in our system, attending to the needs of youth aging out of care, identifying and supporting relative caregivers, and improving the well being of foster youth while they are in our charge —these and other challenges are *all* urgent issues we must work on *together* if we are to do a better job for children and families in the system.

But we must also work *strategically*. We must prioritize our work and chart a realistic course that takes full advantage of the leadership, talent, and passion assembled in this room and that can result both short term and over time in measurable improvements in the lives of the children we *all* take responsibility for when we bring them into our child welfare system.

And so, I commend you for continuing to commit your time, your energy, and your thoughtful creativity, to developing a new way of doing business – new methods and new solutions for our state’s children and families. Secretary Belshe, our staff, and I look forward to working with you as we embark today on this important process of defining our focus and the principles that will guide our work in the months and years to come.